

# NRCS Categorical Exclusions

(7CFR § 650.6, GM 190 § 410.6, NECH § 610.46)

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Categorical Exclusion (CE) – A category of actions that do not normally create significant individual or cumulative effects on the human environment. Therefore, further NEPA review (EA/EIS) is not required. However, the use of CE's does not waive or fulfill NRCS compliance with any applicable legal requirements; including but not limited to the National Historic Preservation Act, Migratory Bird Treaty Act or the Endangered Species Act.

## Requirements for Categorical Exclusion Use:

Step 1-Significant/Extraordinary Circumstances: A review for “Significant or Extraordinary Circumstances” is required using the Environmental Evaluation (form NRCS-CPA-52, Section O). If a proposed plan or action involves any individual components that have *potential* for Significant or Extraordinary Impacts on the human environment (*i.e. any questions answered “yes” in Section O*) then the proposed plan/action cannot be categorically excluded. Otherwise, proceed to Step 2.

Step 2-General Sideboards: the proposed plan or action must meet all of the following criteria:

- (1) Be designed to mitigate soil erosion, sedimentation, and downstream flooding,
- (2) Disturbed areas will be vegetated with adapted species that are neither invasive nor noxious,
- (3) Be based on current Federal principals of natural stream dynamics and processes (if applicable to the plan); such as the “Stream Corridor Restoration, Principles, Processes, and Practices”,
- (4) Incorporate NRCS conservation practice standards as found in the Field Office Technical Guide,
- (5) Do not include substantial dredging, excavation, or placement of fill, and
- (6) Do not involve a significant risk of exposure to toxic or hazardous substances.

If the proposed plan or action does not meet the above criterions then the proposed plan or action cannot be categorically excluded. Otherwise, proceed to Step 3.

Step 3. Determine which categorical exclusion(s) applies to the proposed plan or action. More than one CE may apply. See the listing of CE's on page 2 and 3. The following requirements apply:

- **No Mixed Actions**. If a proposed plan or action involves any individual action that is not listed as a categorical exclusion, then the proposed plan or action cannot be categorically excluded. (*i.e. a plan may not be categorically excluded if even one action is not covered by a CE*).
- **No Segmenting**. If actions are interdependent, they cannot be segmented into smaller component parts to fit a categorical exclusion.
- The actions must meet the criteria specified for each of the selected categorical exclusions.

Step 4: The Responsible Federal Official (District Conservationist) will document the determination that a categorical exclusion applies. This will be documented on the NRCS-CPA-52, Section Q as “*a federal action that is categorically excluded from further environmental analysis and there are no extraordinary circumstances*”.

In Section R.1, document which categorical exclusion(s) cover the proposed plan **and** indicate that there are no extraordinary circumstances. For example, “*All actions of the proposed plan area are covered by CatEx #1 and 3, and there are no extraordinary circumstances.*”

**NRCS Approved Categorical Exclusions**

There are 21 conservation or restoration categorical exclusions identified in the GM190 §410.6. *Note:* Categorical exclusions are not developed or modified at a state or local level.

- (1) Planting appropriate herbaceous and woody vegetation, which does not include noxious weeds or invasive plants, on disturbed sites to restore and maintain the sites ecological functions and services.
- (2) Removing dikes and associated appurtenances (such as culverts, pipes, valves, gates, and fencing) to allow waters to access floodplains to the extent that existed prior to the installation of such dikes and associated appurtenances.
- (3) Plugging and filling excavated drainage ditches to allow hydrologic conditions to return to pre-drainage conditions to the extent practicable.
- (4) Replacing and repairing existing culverts, grade stabilization, and water control structures and other small structures that were damaged by natural disasters where there is no new depth required and only minimal dredging, excavation, or placement of fill is required.
- (5) Restoring the natural topographic features of agricultural fields that were altered by farming and ranching activities for the purpose of restoring ecological processes.
- (6) Removing or relocating residential, commercial, and other public and private buildings and associated structures constructed in the 100-year floodplain or within the breach inundation area of an existing dam or other flood control structure in order to restore natural hydrologic conditions of inundation or saturation, vegetation, or reduce hazards posed to public safety.
- (7) Removing storm debris and sediment following a natural disaster where there is a continuing and eminent threat to public health or safety, property, and natural and cultural resources and removal is necessary to restore lands to pre-disaster conditions to the extent practicable. Excavation will not exceed the pre-disaster condition.
- (8) Stabilizing stream banks and associated structures to reduce erosion through bioengineering techniques following a natural disaster to restore pre-disaster conditions to the extent practicable, e.g., utilization of living and nonliving plant materials in combination with natural and synthetic support materials, such as rocks, rip-rap, geo-textiles, for slope stabilization, erosion reduction, and vegetative establishment and establishment of appropriate plant communities (bank shaping and planting, brush mattresses, log, root wad, and boulder stabilization methods).
- (9) Repairing or maintenance of existing small structures or improvements (including structures and improvements utilized to restore disturbed or altered wetland, riparian, in stream, or native habitat conditions). Examples of such activities include the repair or stabilization of existing stream crossings for livestock or human passage, levees, culverts, berms, dikes, and associated appurtenances.
- (10) Constructing small structures or improvements for the restoration of wetland, riparian, in stream, or native habitats. Examples of activities include: installation of fences, or construction of small berms, dikes, and associated water control structures.
- (11) Restoring an ecosystem, fish and wildlife habitat, biotic community, or population of living resources to a determinable pre-impact condition.
- (12) Repairing or maintenance of existing constructed fish passageways, such as fish ladders, or spawning areas impacted by natural disasters or human alteration.

- (13) Repairing, maintaining, or installing fish screens to existing structures.
- (14) Repairing or maintaining principal spillways and appurtenances associated with existing serviceable dams, originally constructed to NRCS standards, in order to meet current safety standards. Work will be confined to the existing footprint of the dam, and no major change in reservoir or downstream operations will result.
- (15) Repairing or improving (deepening/widening/armoring) existing auxiliary/emergency spillways associated with dams, originally constructed to NRCS standards, in order to meet current safety standards. Work will be confined to the dam or abutment areas, and no major change in reservoir or downstream operation will result.
- (16) Repairing embankment slope failures on structures, originally built to NRCS standards, where the work is confined to the embankment or abutment areas.
- (17) Increasing the freeboard (which is the height from the auxiliary (emergency) spillway crest to the top of embankment) of an existing dam or dike, originally built to NRCS standards, by raising the top elevation in order to meet current safety and performance standards. The purpose of the safety standard and associated work is to ensure that during extreme rainfall events, flows are confined to the auxiliary/emergency spillway so that the existing structure is not overtopped which may result in a catastrophic failure. Elevating the top of the dam will not result in an increase to lake or stream levels. Work will be confined to the existing dam and abutment areas, and no major change in reservoir operations will result. Examples of work may include the addition of fill material, such as earth or gravel, or placement of parapet walls.
- (18) Modifying existing residential, commercial, and other public and private buildings to prevent flood damages, such as elevating structures or sealing basements to comply with current State safety standards and Federal performance standards.
- (19) Undertaking minor agricultural practices to maintain and restore ecological conditions in floodplains after a natural disaster or on lands impacted by human alteration. Examples of these practices include: mowing, haying, grazing, fencing, off-stream watering facilities, and invasive species control which are undertaken when fish and wildlife are not breeding, nesting, rearing young, or during other sensitive timeframes.
- (20) Implementing soil control measures on existing agricultural lands, such as grade stabilization structures (pipe drops), sediment basins, terraces, grassed waterways, filter strips, riparian forest buffer, and critical area planting.
- (21) Implementing water conservation activities on existing agricultural lands, such as minor irrigation land leveling, irrigation water conveyance (pipelines), irrigation water control structures, and various management practices.